D.B. SPECIAL APPEAL (W) NO.743/2007

DATE OF ORDER : 10.08.2007

HON'BLE MR. JUSTICE P.B. MAJMUDAR
HON'BLE MR. JUSTICE DEO NARAYAN THANVI

Mr. B.S.Charan for the appellant.

Heard learned counsel for the appellant.

Considering the nature of the order, which is purely an interlocutory order, the learned Single Judge has rightly not entertained the writ petition under Article 227 of the Constitution of India. The learned Single Judge has rightly found that the appellant can cross-examine the plaintiff in connection with the documents on record.

In our view, it will be open to the appellant to raise these points in the pending suit in case it is required at the time of final argument. Even the learned Single Judge has also found that even these questions can be decided at the time of deciding the suit finally.

No interference is warranted by this Court in the order of the learned Single Judge, when the suit is pending and the proceedings are arising against the interlocutory order.

Accordingly, the Special Appeal stands dismissed.

(DEO NARAYAN THANVI), J. **(P.B.MAJMUDAR), J.**

ms rathore